

United States District Court
Eastern District of North Carolina
Western Division

FILED

OCT 24 2022

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

Case No. 5:22-ct-3386-BO

(To be filled out by Clerk's Office only)

Adam LATIF Mercado

O.T.C. Captain Hudson, Lt. Dudley, Nurse MS. Wigs, Mr. Perkins Inmate Number 1138548
(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

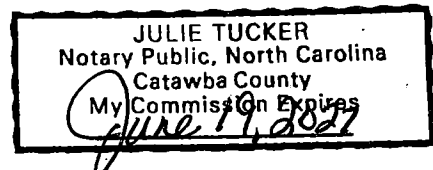
N.C.D.P.S. PRISONS

ADULT CORRECTIONS. Captain Hudson,

OFFICER PERKINS, Lt. Dudley, Nurse Wigs.

WARDEN JOHN HERRING.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)



NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

ADAM LATIF MERCADO
Name

OPUS # 1138548
Prisoner ID #

ALEXANDER CORRECTIONAL INSTITUTION
Place of Detention

633 OLD LANDFILL Road. Taylorsville N.C. 28681.
Institutional Address

Taylorsville
City

N.C.
State

28681.
2811
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Captain Hudson

Name

DOC-Captain at Maury Correctional Institution.

Current Job Title

Maury Correction Institution.

Current Work Address

Maury N.C. 28554

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2:

Lt. Ms. Dudley

Name

Maury Correctional Institution Lieutenant

Current Job Title

Maury Correctional Institution.

Current Work Address

Maury N.C. 28554.

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

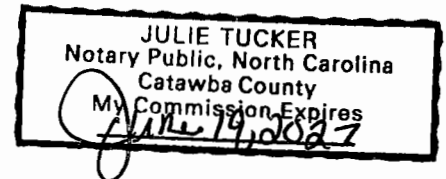
Defendant 3: OFFICER MR. PERKINS
Name
CorrecTional OFFICER.
Current Job Title
Mauvy Correctional Institution
Current Work Address
Mauvy N.C. 28554
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: MS. WIGS
Name
NURSE (MEDICAL)
Current Job Title
Mauvy Correctional Institution
Current Work Address
Mauvy N.C. 28554
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

DEFENDANT 5: John Herring
Name
WARDEN.
Job Title
Mauvy Correctional Institution.
Current Work Address
Mauvy N.C. 28554.
City State Zip



I WAS RAPED!

What
happened
to you?

I SUFFERED FROM Internal Bleeding
BECAUSE OF THE ASSAULT AND WHAT
EVER ELSE THEY MAY HAVE DONE.

I HAD A BLOODY, SORE ANAL CAVITY
FOR A WEEK(S) AS A RESULT
OF THE ABUSE. I ALSO SUFFERED
OTHER BRUISE INJURIES BUT BEING
HELD DOWN & HAVING A MAN STICK SOMETHING
UP YOUR BUTTHOLE WAS THE WORSE THING
TO EVER HAPPEN TO ME.

When did it
happen to
you?

MARCH 26th 2021 - (19:59 PM)

SHOWER TIME IN RED-UNIT RESTRICTED
HOUSING. SEXUALLY ABUSED WHEN I HAD A SEIZURE.

Where did it
happen to
you?

MAURY CORRECTIONAL INSTITUTION
MAURY N.C. 28554.

RESTRICTIVE HOUSING. RED UNIT - B-BLOCK
BOTTOM LEFT SHOWER (DISABLED SHOWER
WITH HAND RAILS).

JULIE TUCKER
Notary Public, North Carolina
Catawba County
My Commission Expires

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V. STATEMENT OF CLAIM

Place(s) of occurrence: Restrictive Housing Red-Unit B-block

Date(s) of occurrence: MARCH 26-2021

State which of your federal constitutional or federal statutory rights have been violated:

First Amendment Right, 8th Amendment Rights
Human Rights

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

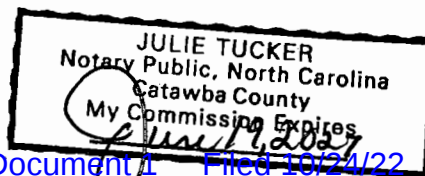
Who
did what to
you?

I had a seizure inside a shower
AND came to - to Captain Hudson & OFFICER
Perkins sexually abusing me while Lt. Dudley
stood guard at the shower door.
Captain Hudson shoved an object inside my rectum
as OFFICER PERKINS stood on my ankles.
I was already hand cuffed from behind
so when I attempted to move & yell
Captain Hudson knocked me out with a combination
of blows to the head.

I woke up handcuffed in a wheel chair
being slapped around by Captain Hudson.
He threatened me not to tell - He told
me he "worked at Unit ONE" and that he
would "plant a knife on me & stab me with it"
He said that he knows how to beat law suit.
Nurse Wigs was not there. I received not help from medical.

What was
your
injury?

SUFFERED Internal Bleeding (Proven By Medical).
My Butt Hole was BLEEDING THAT
NIGHT AND For THE Following WEEK(S)
I NEVER Had Bloody Stool ISSUES before this.
Sharp PAINS in rectal AREA. Internal Bleeding
Bumps on Head, BRUISES on FACE
Bloody NOSE, Bloody BUTT, And Damage
To Wrist And Ankles. Mental Distress.
I was Mentally Distressed
THE LOSS OF Man Hood And Pride LEFT
Me Suicidal And Mentally disturbed.
I Had To Get X-rays and MRI'S
THE Doctors upped my Seizure Medication
By THREE TIMES.
THE Damaged rectal AREA Caused
Bleeding From 3-26-2021 -Till APRIL and Later
BUT THE PAIN ALWAYS CAME BACK (stool softener)
At one point I was having to walk
With A Walking CANE TOO.
Doctors Prescribed Me "Stool Softener"
BUT I BELIEVED Surgery was needed.
I was Denied Medical Attention
While At Maury.
Soon as I Got To Alexander Correctional
my Butt Hole was looked At by Doctor
Wigler and I was Given a Cane
and A Double Mattress For THE ISSUES.
Hurt my Pride



VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

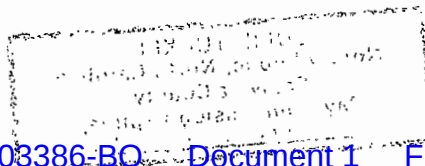
Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want My ABUSERS Held Accountable
For what They did. I want Security Measures
put in Place so That This doesn't happen To
Anyone else In THE Future. I want Ownership
OF The Prison and Make THE Environment Safer.
I want THE NAME OF THE Prison To BE "MERCADO"
AND I want Compensation For my Pain, Suffering & Mental Distress



VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? ONE

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

ADAM Mercado V.S. N.C.D.S. (Adult Corrections) Bertie Correctional,
I.C. File 29110 AG File NO. 00285

Slip and Fall At Bertie Correctional in a shower
that lacked a floor mat.

THIS incident is THE cause of my SEIZURES.
IT Happened August 29th, 2020 - I went To THE Hospital.
AFTER, I was Transferred To Maury For SEIZURE Problems.
THE Medication THE Doctors Put me on Was THE reason I have
I'm NOT SURE IF IT Ended. IT was
A Tort Claim and I have NOT received
ANYMORE responses SINCE 2021.

Last time I received A response THEY (N.C.I.C.)
Sent me my Medical reports From Hospital
ABOUT SEIZURES.

* CASE IS STILL PENDING.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

10-9-2022

Dated

Adam L. Mercado

Plaintiff's Signature

ADAM LATIF MERCADO

Printed Name

1138548

Prison Identification #

ALEXANDER Correctional

Prison Address

Taylorsville

City

N.C.

State

28681

Zip Code

